

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, DECEMBER 18, 2007**

MEMBERS PRESENT: Paula Caron, Chair
John DiPasquale
Mike DiPietro
Mike Hurley
Paul Fontaine, Jr.
Nancy Maynard

MEMBERS ABSENT: Elizabeth Slattery

PLANNING OFFICE: David Streb
Mike O'Hara

Call to Order

Meeting called to order at 6:05 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

A request to release the remaining \$10,000 for Benjamin Builder's project at Victoria Lane was received from Gary Lorden, and was sent to the City Solicitor Deborah Phillips & DPW-Engineering.

A draft Environmental Impact Report regarding the MassHighway Route 2 improvements near Palmer Road & Mt. Elam Road was shown to the Board.

The Board was notified that the Planning Coordinator had endorsed an ANR Plan showing the Civic Center & Landry Arena separation from Coolidge Park, as authorized by the Board at their November 20 meeting.

Meeting Minutes

Motion made & seconded to approve minutes of the November 20th meeting as corrected by Ms. Caron. Vote unanimous to approve.

ANR plans

The Board reviewed and endorsed the following "ANR" plans:

Logan, Alpine Rd.

Proposed subdivision of parcel into three building lots (a "rear lot" with an existing dwelling at 328 Alpine Rd.), two conforming lots, and the 27 acre remainder labeled "Not a Building Lot".

Selin, Franklin Rd.

Adjustment of property line between two parcels at 111 & 119 Franklin Rd.

MINOR SITE PLAN REVIEW

none

Bond reduction- Brickyard Hill subdivision

Board discussed requested reduction in bond amount for the Roosevelt Street extension project. Amount recommended by DPW-Engineering was \$281,998. The Board voted to wait until next meeting and a report is received regarding existing problems at the subdivision mentioned by Mr. DiPietro. He

referenced a dip in the road on Temple Street, overflow of runoff onto Temple Street and Westminster Street, and continued washout of the embankments on-site from heavy rains. The Board requested that a letter be sent to the developer, and that the Engineering Department be cc'd.

PUBLIC HEARINGS

Scenic Road Act hearing – Paul Vallaincourt, 747 Mt. Elam Rd.

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: Continued to Jan. 22

Request to open a part of stone wall along Mt. Elam Road to permit an additional driveway to a proposed garage addition. Pictures of the site were presented and passed around among the board. The applicant briefly described an addition to his house and the need for a driveway to service his new two car garage.

Public comment:

Pam Fiorentino, 279 Mt. Elam Road, owner of abutting parcel. She assumes the board has received the letter that she sent. They are currently having a survey performed that will clear up an ambiguity in the specific location of the property line between Mr. Vallaincourt and her property. She opined that if he can't go forward because of the survey, then perhaps the trees along Mt. Elam Road can be saved. The survey is expected to be completed in the next 3-4 weeks. She'd appreciate the Board tabling the matter until the survey can be completed.

Also, the Board had received a letter from Bonnie Waldman objecting to the proposal

Ms. Caron pointed out that a driveway can't be within 10 feet of the property line without a special permit from the Planning Board. Applicant should return with a plan showing the width of the driveway and the width of the opening to the street.

Ms. Maynard said that he should have a survey and a plan showing the proposed improvements.

Ms. Caron read aloud a letter in support sent by Jim Pappas.
The Board voted to continue the hearing until January 22, 2008.

Proposed zoning amendment - "Small Wind Energy Systems"

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: continued to Jan 10, 2008

Ms. Caron gave a brief introduction, and invited comments.

Chuck Warner, 1138, Oak Hill Rd. – The proposed ordinance says a maximum of 55db at the property line, which is meaningless. It should be based on ambient noise levels.

Chris Specht handed the Board a DEP fact sheet that listed the legal noise levels that referenced a 10db over ambient limit. She said she also has a noise study taken of northern Fitchburg.

Discussion ensued among audience members about whether there should be an allowable size limit.

Ken Biagioni, 268 Blossom St. – Will these be allowed anywhere? Is the city going to generate electricity for its residents to reduce electric bills?

Michael Lodge, 328 Alpine Rd. – Why a KW size limit in the ordinance? Why not just limit the physical size of the device?

Chris Specht felt that there should be a limit. She also referenced language in the draft regarding the use of the term 'public street' that should be changed to 'public way'.

Michael Lodge – Currently, public utility laws don't allow the sharing of power across property lines, preventing a group of homeowners from collaborating on a shared installation. He feels that the ordinance should contain a clause supporting the change in that law.

The Board voted to continue the public hearing to a special meeting on Thursday, January 10 at 6 p.m. by which time the Planning Coordinator will have prepared an updated draft and posted it to the city's web page.

Site Plan Review - Rivers, 9 Boutelle St., 2,100 sq. ft. storage bldg.

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: Approved.

Atty. Watts presented plan that showed a 2,500 sq. ft. Butler type of storage building to be used for Surfside Pool and be located in their parking lot.

A sketch of the exterior of the building from Boutelle Street side was reviewed.

There are currently two lots on the site, in slightly different ownership. Mr. Watts explained that the two lots would be combined into one, and the different ownership will be resolved.

Public Comment:
none

Motion made & seconded to approve Site Plan, subject to:

- Construction according to rendering submitted at tonight's meeting.
- Landscaping strip along Boutelle Street.

Vote 6-0 to Approve Site Plan.

Definitive Subdivision Plan - Fisher Road Homes LLC, 22-lot subdivision, off Fisher Road

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: no decision

Presentation was informational only, as proper notification was not sent to Lunenburg abutters. Also, incorrect traffic counts were taken due to an equipment malfunction. Another hearing with proper notice would be required, probably in February '08.

Chris Deloge, Whitman & Bingham Assocs. presented plan. Said it was a 29 acre parcel, and 22 lots would be provided, similar to the preliminary plan submitted earlier this year. Proposing access road that is 1,180 feet to the first intersection. E-1 sewer pumps will be installed for each house to pump to a gravity main that will flow outside, then back into Fitchburg.

Drainage swales will be used instead of typical catchbasin and culvert design. A 2-foot wide swale will intercept water run-off along the northwestern corner of the project. 26' wide pavement with a country drainage system. He will request a waiver from the requirement for sidewalks. Also, a waiver for the length of a cul-de-sac.

The project is proposing a 14-16 foot high retaining wall along the road in the northeastern part of the development, just outside of the no-touch zone. A 25' vegetated buffer is proposed from wetlands at the northwestern edge of the project.

Public comment:

John Nikander, 839 Fisher Rd. – Where will you get gas for the project? And why is the project site developable? His family owned the land, and he was always told the land was not developable.

Chris Deloge: Wetlands definitions have changed over the years.

Leroy Clark, Fisher Road – How will you not increase the amount of water run-off from the site over current conditions?

Chris Deloge explained how they'll slow the runoff with detention basins.

David Dupres – Lives directly behind Lot 1. Why no street lights?

Chris Deloge: They could put lights at the throttle points. A former developer promised him that trees would remain, but then they cut down all the trees.

Chris Deloge said that developer would like to meet with all the abutters.

Nancy Legasse, New West Townsend Rd, Lunenburg – What's the capacity of the detention pond in Lunenburg?

Joe Posnick, 840 Fisher Rd. – He doesn't see where all the water is going to go. Also, they need to put in special lights that don't shine onto people's property. Also, the extra vehicle trips this project will cause are a problem.

Nancy Legasse – How much water will be in the pond.

Chris Deloge: Most of the water will be out of the pond after a heavy rain within a week. He then pointed out the area where fill will be placed, and said a 16' retaining wall will be placed next to the road.

Charles Tenander – Every house on Fisher Road has a sump pump. Water is an issue.

Bruce Teitenan – This project will cost a fortune and the developer will go bankrupt and the city will be stuck with maintenance. His impression is that the entire site is a wetland.

Naomi Andrews, 940 Fisher Road – Won't kids get hit by a car without sidewalks? Shouldn't there be internal sidewalks. And what if my land gets flooded where my horses go. What recourse will I have?

Ms. Caron – There should be a loop of sidewalks inside the development.

Leroy Clark – Will the Planning Board provide supervision over this project? He also wants to see an erosion control plan.

David Streb replied that the city would be requesting funds for inspection, and that we will be having internal meetings to determine whether we need supplemental inspection.

OTHER BUSINESS

Mark Biller - update "Westminster Hill Village" condo project

Mark Biller received a letter from the Water Department outlining their requirements for the project. He stated the project has gone from a 175,000 to a 340,000 gallon tank, and other changes were made by the Water Department. So he's saying goodbye. It's too expensive. The city will lose \$650,000 in water and sewer improvements and \$400,000 a year in taxes.

Denis Meunier, DPW Commissioner – He disagrees with Mr. Biller. The Water Department has been consistent in their position, once DEP refused to allow a consecutive water system. They are being very cooperative. The letter represented the very best they could do – the minimum to make it work.

Bruce Lewis said that \$2 million in off-site costs would result in \$15,000 per unit, not counting the connection fees. He would like to present a technically viable plan to the Water Department.

John Handler, 1296 Westminster Hill Road – Did I hear Mr. Billar withdraw his application? And at what point do you deny an extension?

Mark Biller said he would pull out, but Mr. Lund could continue. Mr. Lund is the owner of the property.

Jennifer Roff, 1099 Westminster Hill Road – It's not the place of a developer or his engineer to dictate to the Water Department about their standards.

Joseph Fournier, 1264 Westminster Hill Road – Isn't there a specification in the city to not allow multi-family housing in a single-family area?

Ms. Caron: The Planning Board can grant a Special Permit to allow it.

Brian Roff – He really appreciates what the Board is doing. He'd like the Board to consider denying the extension.

Board voted unanimously to grant the requested extension, to June 30, 2008.

Preliminary subdivision plan - Mullane, 6 lots, off Fifth Mass. Tpk.

Jesse Johnson of David E. Ross Associates presented. Described the project as a six lot subdivision with an additional lot created by an ANR plan that cuts out an existing house. The project will have a 500 foot long cul-de-sac. Grades in the first 200' will be 4% max. and 2% max. at the cul-de-sac. They are asking for a waiver to allow 10% for the portion in-between. Considerable earth work will be required if a 10% grade isn't allowed. There's a 40-foot rise from street to end of parcel. He's also asking for a reduction in pavement width from 28' to 24'. Sewer service will tie in to an existing sewer on Fifth Mass Turnpike. Water will be from private wells. A cistern is proposed for fire protection.

Board reviewed Fire Dept. comments -- would prefer residential sprinklers rather than a cistern.

Discussion ensued about appropriate locations for a sidewalk and the width of the pavement. Roadway width and sprinkler systems for the homes could be trade-offs.

200 feet of the road will be at 10% grade.

The Board wants a sidewalk around the cul-de-sac.

Charles Warren, 1138 Oak Hill Rd. – There are a lot of water and wetland issues next to the site. Where is the water going to go? Also, he's concerned about the view impacts from his house. And about the fact that there are too many homes proposed on too small lots and too small houses.

Board said that it is not their policy to approve or deny preliminary subdivision plans.

Informal presentation - JCJ Homes - alternatives for Fairway Homes development.

Ralph Romano, Global Engineering and Jim Haynes, Sr. of JCJ present.

Explained that 94 single-family homes were approved in Phase I. Due to the market, that is not going to happen. They'd like to change it to 84 attached rental units for over-55 and two buildings (assisted living & comfort living) with 85 beds each. Buildings are three-plexes. HUD will back the entire project. It's proposed to be a HUD 221 project. They plan on keeping the project and hiring a management company to manage it. Will need to apply for another Special Permit.

Meeting adjourned 10:30 p.m.

Next meeting: January 10, 2008 (special wind energy meeting)

minutes approved: 1-10-08